

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

RANDAL LEE JERNIGAN
ADC #655885

PLAINTIFF

v.

No. 4:21-cv-216-DPM

ASHLEY PRATT, Federal Probation/
Parole Officer; LESCIARA WALKER,
Federal Probation/Parole Officer; and
UNITED STATES PROBATION
OFFICE

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, Docs. 1, 6 & 8, granted. The Court won't assess an initial partial filing fee because Jernigan can't afford to pay one. But his custodian must collect monthly payments from Jernigan's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Jernigan's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Administrator of the Prairie County Jail, 200 Court House Square, Suite 101, Des Arc, Arkansas 72040.

3. The Court must screen Jernigan's complaint, as amended. Docs. 2 & 9; 28 U.S.C. § 1915A. Jernigan is accused of violating multiple conditions of his supervised release. He says his drug screens were false positives and that he didn't violate the other conditions. *Doc. 2.* Judge Brian Miller recently held a hearing and found Jernigan guilty of some of the violations and not guilty of others. Judge Miller modified Jernigan's conditions of supervised release and set a review date on the motion to revoke for late September. *Doc. 18 & 20* in *United States v. Jernigan*, E.D. Ark. No. 4:20-cr-355-BSM. Because the motion to revoke is still pending, Jernigan's civil case will be stayed until the revocation proceedings are complete. *Wallace v. Kato*, 549 U.S. 384, 393–94 (2007).

4. This case is stayed and administratively terminated. Jernigan can move to reopen this case after his revocation proceedings are complete. Any motion to reopen must be filed within sixty days of that final disposition. If Jernigan doesn't file a timely motion to reopen or a status report by 1 December 2021, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.


D.P. Marshall Jr.
United States District Judge

8 April 2021